

## MEMORANDUM

**HPSC**  
Agenda Item No. **2(E)**

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

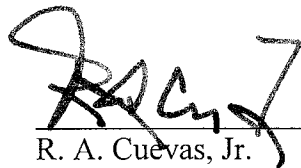
**DATE:** **October 11, 2007**

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Ordinance amending Chapter  
25A-4 of the Code regarding  
the Public Health Trust

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Chairman Bruno A. Barreiro.



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R. A. Cuevas, Jr.  
Acting County Attorney

RAC/bw

# Memorandum



**Date:**


**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance amending Section 25A-4 of the Code of Miami-Dade County regarding  
Public Health Trust

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The ordinance amending Section 25A-4 of the Code of Miami-Dade County regarding Public Health Trust will not have fiscal impact to Miami-Dade County.

  
\_\_\_\_\_  
Jennifer Glazer-Moon, Director  
Office of Strategic Business Management

fis03007

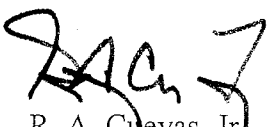


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: November 6, 2007

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No.4(M)

Veto \_\_\_\_\_

7-24-07

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 25A-4 OF THE CODE OF MIAMI-DADE COUNTY TO EXEMPT THE PUBLIC HEALTH TRUST FROM COMPETITIVE BIDDING AND OTHER CODE CONTRACTUAL REQUIREMENTS WHEN (1) ACCEPTING GIFTS OF PERSONAL PROPERTY AND SERVICES IF SUCH GIFTS ARE IN KIND OR AT ACTUAL COST SUBSTANTIALLY BELOW COMPETITIVE PRICES AND (2) WHEN ACCEPTING GIFTS OF CONSTRUCTION PROJECTS FOR UP TO \$5 MILLION THAT ARE NOT IN KIND OR AT ACTUAL COST BELOW COMPETITIVE PRICES IF SUCH GIFTS ARE FROM A NOT FOR PROFIT ENTITY WHOSE PRIMARY PURPOSE IS TO SUPPORT THE ACTIVITIES OF THE PUBLIC HEALTH TRUST AND SUCH NOT FOR PROFIT AND DONOR(S) AGREE TO BE BOUND BY PUBLIC RECORDS LAWS; AUTHORIZING GIFTS OF SUCH CONSTRUCTION PROJECTS FOR TWO YEARS; AUTHORIZING THE TRUST TO IMPOSE RULES, CONDITIONS AND TERMS ON GIFTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 25A-4 of the Code of Miami-Dade County, Florida, is hereby amended as follows:<sup>1</sup>

**Sec. 25A-4. Powers and duties of the Trust.**

\* \* \*

25A-4 (h) *Acceptance of gifts.* The Trust shall have the authority to accept gifts of money, services, or personal property. >>All

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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such gifts may be subject to such rules, conditions and terms as the Trust may determine.<< Subject to the prior approval of the Commission, the Trust may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in [t]rust pursuant to the provisions of this chapter.

>>When accepting gifts of services and personal property, including for construction projects and related architectural, engineering, design and landscaping services, the Trust shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts if such gifts are in kind or at actual cost substantially below competitive prices.

In addition, in order to attract private funding for construction projects that the Trust would either not otherwise undertake or would have to postpone, the Trust may accept gifts of construction projects, including the building, renovating, retrofitting, restoration, painting, altering or repairing of any Trust facility, and all services and personal property related to such construction projects, that are not in kind or at actual cost substantially below competitive prices, provided that each donation of such a construction project shall not exceed five million dollars (\$5,000,000) and is funded by a not-for-profit organization whose primary purpose is to support the activities of the Trust. All gifts for such construction projects shall be exempt from all competitive bidding requirements and other programs otherwise mandated by the Code of Miami-Dade County for Public Health Trust contracts, provided that the not-for-profit and the party actually providing personal property or services agrees to be bound by public records law to the same extent as a Trust contractor providing such personal property or services. The Trust's authority to accept gifts for such construction projects shall expire two years from the date of this amendment.<<

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or

relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

Jack P. Hartog

Sponsored by Chairman Bruno A. Barreiro

RAC  
RAC for JPH